

1 home where the drowning occurred prior to the day  
2 of the accident?

3 A. I was working there for about a month, to a  
4 month and a half.

5 Q. Every day?

6 A. Yes.

7 Q. What were you doing there?

8 A. We were working in making pave work. We  
9 were putting some stones around the swimming  
10 pool.

11 Q. Were you also doing repairs to the  
12 enclosure around the pool?

13 A. Yes.

14 Q. And did your work cause you to have to be  
15 both inside the pool area and outside the pool  
16 area?

17 A. Yes.

18 Q. When you told me that your boss ordered you  
19 to clean furniture, are you talking about Mr.  
20 Rizzo?

21 A. Yes. He ordered me.

22 Q. At around what time did you arrive at the  
23 home on the morning of the incident?

24 A. Between 9:00, 9:30, 10 o'clock in the  
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1 Q. Did you or Mr. Rizzo do anything to protect  
2 children from accessing the pool during the time  
3 that you were working at the home?

4 A. The owner of the house put up plastic  
5 because he has other workers that used to come to  
6 the house.

7 Q. For the moment my question is, did you do  
8 anything, or Mr. Rizzo do anything?

9 A. Everything was closed because no one could  
10 get close where we were working.

11 Q. My question is, did you or Mr. Rizzo --  
12 this is like the fifth time I asked the question.  
13 Did you or Mr. Rizzo do anything at the end of  
14 the day to protect the pool from being able to be  
15 accessed by children?

16 A. We close everything.

17 Q. You did?

18 A. Yes. We saw that everything was closed.

19 Q. Did you make sure that the doors leading  
20 into the pool area were closed?

21 A. Yes.

22 Q. On a nightly basis when would you leave the  
23 job?

24 A. Yes.

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C-2

1 Q. And that's because you knew that that was  
2 part of your job, correct?

3 A. Yes.

4 Q. And you knew that there were children,  
5 small children living in the home, correct?

6 A. Yes. I remember hearing that little boy,  
7 because there was a girl that used to take care  
8 of this boy.

9 Q. What little boy?

10 A. The little boy was like this (indicating).  
11 Was very little, yes.

12 Q. What boy are you talking about?

13 A. The little boy that was drowned. I  
14 remember seeing the girl taking care of this boy.

15 Q. The child who drown in the pool was a young  
16 girl. I'm just telling you that.

17 A. Oh.

18 Q. But in any event, you remember seeing the  
19 child who drown in the pool on the days prior to  
20 the drowning incident?

21 A. I remember that I used to see this girl  
22 taking this child out of the house every day that  
23 I came, and she would take him for a walk.

24 Q. So you knew that there was at least one

1 little child living there when you were working  
2 there, correct?

3 A. Yes.

4 Q. And is that one of the reasons that when  
5 you would leave every night you would make sure  
6 that the doors to the pool were closed?

7 MR. LANDON: Objection to the form.

8 THE WITNESS: Yes.

9 BY MR. CASEY:

10 Q. Did Mr. Rizzo tell you at any time that you  
11 needed to make sure that the doors were kept  
12 closed because of the possibility of young  
13 children accessing the pool?

14 MR. LANDON: Objection to the form.

15 THE WITNESS: That door was always  
16 closed.

17 BY MR. CASEY:

18 Q. You need to listen to my question.

19 Did Mr. Rizzo tell you that you  
20 needed to make sure the doors were kept closed in  
21 order to keep children from accessing the pool  
22 area?

23 MR. LANDON: Same objection.

24 THE WITNESS: Yes.

1 THE WITNESS: No. When I arrive at  
2 work that day he told me that I had to clean  
3 the table and the chairs.

4 BY MR. CASEY:

5 Q. How many chairs did you clean?

6 A. Five to six chairs.

7 Q. What else, if anything, did you clean?

8 A. The table.

9 Q. Anything else?

10 A. No.

11 Q. What kind of chairs were they?

12 A. The plastic ones.

13 Q. Have you looked at any pictures prior to  
14 this deposition?

15 A. No.

16 Q. Have you looked at any documents at all  
17 prior to this deposition?

18 A. No.

19 Q. What was the table made out of?

20 A. I am really, really not sure. But I  
21 remember that they were metal, the legs were  
22 metal, and the top was plastic.

23 Q. Did you carry any of the furniture into the  
24 home?

1 A. Yes. The chairs.

2 Q. Did you carry one at a time?

3 A. I carry two or three chairs at a time.

4 Q. How many trips did you make into the -- and  
5 you carried the furniture into the pool area?

6 A. I don't remember, but I think it was -- I  
7 did it in one or two, I put the chairs in.

8 Q. One or two trips?

9 A. Because Veni was helping me to put things  
10 inside, too.

11 Q. Veni meaning Mr. Rizzo?

12 A. Yes.

13 Q. When you were going into the home, did you  
14 open the door between the patio and the dining  
15 room?

16 A. No.

17 Q. Who did?

18 A. The owners of the house were opening that  
19 door.

20 Q. The owners of the house opened the door to  
21 the dining room to let you in with the furniture?

22 A. Yes. To be able to go through there.

23 Q. Who?

24 A. I think it was the gentleman.

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C - 6